

JRW RCE

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,

Provides for continued examination of a utility or plant

Application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 09/916,781
Filing Date: July 27, 2001
First Named Inventor: Richard J. Roll
Group Art Unit: 3627
Examiner Name: Florian M. Zeender
Attorney Docket Number: 2125.002USU
CUSTOMER NO.: 27623

This is a Request for Continued Examination (RCE) Under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 153 (d) (PTO/SB/29) instead of RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (August 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. XXXX Previously submitted

i. XXXXX

Consider the Request for Reconsideration under 37 C.F.R. 1.116 previously filed on May 19, 2004 (any unentered amendment(s) referred to above will be entered).

ii. _____

Consider the arguments in the Appeal Brief or Reply Brief previously filed filed on _____

iii. _____

Other _____

b. XXXXX

Enclosed

i. _____

Amendment/Reply

ii. _____

Affidavit(s)/Declaration(s)

iii. _____

Information Disclosure Statement (IDS) and PTO-1449

iv. XXXXX

Other Letter

2. **Miscellaneous**

a. _____ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)

b. _____ Other _____

3. **Fees** The RCE fee Under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

a. _____ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. **01-0467**.

i. XXXXX

RCE fee (\$770.00) required under 37 C.F.R. §1.17(e)

ii. XXXXX

Extension of Time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. _____

Other _____

b. XXXXX

Check in the amount of \$ 880.00 (\$770 RCE fee, \$110 extension fee) is

enclosed

c. _____ Payment by credit card (Form PTO-2038 enclosed)

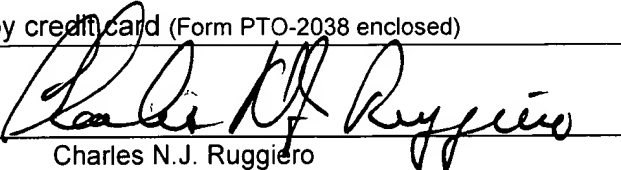
September 20, 2004

Date of Signature

09/22/2004 JADD01 00000022 09916781

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 17, 2004.

Joanne A. Romaniello
NAME


SIGNATURE

9/20/04
DATE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Roll et al.
Serial No.: 09/916,781
For: METHOD AND SYSTEM OF PROVIDING COMPETITIVE
COMPARATIVE TERMS TO THE USER
Filed: July 27, 2001
Examiner: Florian M. Zeender
Art Unit: 3627
Confirmation No.: 8798
Customer No.: 27623

Attorney Docket No.: 2125.002USU

REQUEST FOR CONTINUED EXAMINATION UNDER 37 CFR 1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request continued examination of the above application. Applicants submit the enclosed Request for Reconsideration, originally filed on May 19, 2004 in response to a Final Office Action mailed on December 19, 2003.

During prosecution of the above application, on December 19, 2003, the Office mailed a Final Office Action. On May 17, 2004, an interview was conducted between Examiner, Applicants and Applicants' counsel. On May 19, 2004, Applicants submitted the enclosed Request for Reconsideration in response to the Final Office Action. On July 13, 2004, the Office mailed an Advisory Action indicating that the Request for Reconsideration

was considered but did not place the application in condition for allowance because it was not convincing that the "target coupon" taught by Hager et al. does not constitute an adjusted second term of offer.

On June 18, 2004, Applicants submitted a Notice of Appeal. Applicants request continued examination under 37 CFR 1.114, in lieu of submission of an Appeal Brief.

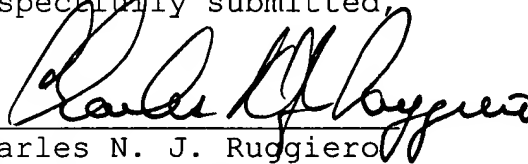
Applicants request that Examiner consider the enclosed Request for Reconsideration, and especially focus on the arguments relating to adjusting a second term of offer in response to obtaining a requested term of offer for an item. Applicants feel that this argument was not fully addressed in the Advisory Action dated July 13, 2004.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited. Should Examiner not be willing to allow the claims in a first Office Action, Applicants request that Examiner notify Applicants' undersigned attorney and permit an interview prior to the issuance of a first Office Action.

Respectfully submitted,

Date:

Sept. 20, 2004



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